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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) No. CR 07-00431 JF
17 Plaintiff,)
18 v.)
19 FRITZ BRUNZ,)
20 Defendant.)
21

22 *STIPULATION AND [PROPOSED]
23 ORDER EXCLUDING TIME FROM
24 FEBRUARY 23, 2009 THROUGH
25 APRIL 1, 2009 FROM CALCULATIONS
26 UNDER THE SPEEDY TRIAL ACT (18
27 U.S.C. § 3161)*

28 On February 18, 2009, defendant Fritz Brunz made his initial appearance before
19 Magistrate Judge Patricia V. Trumbull. Assistant Federal Public Defender Cynthia Lie appeared
20 on behalf of the defendant. Assistant United States Attorney Richard Cheng appeared for the
21 government. On February 23, 2009, the parties again appeared before Magistrate Judge
22 Trumbull, who ordered them to appear before United States District Court Judge Jeremy Fogel
23 on April 1, 2009 at 1:30 p.m. for a status conference in this matter.

24 The parties request that the Court enter this order documenting the exclusion of time
25 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from February 23, 2009 through
26 April 1, 2009. The parties, including the defendant, stipulate as follows:

27 1. The defendant understands and agrees to the exclusion of time from calculations under

28
29 STIPULATION AND [PROPOSED] ORDER
30 U.S. v. BRUNZ, No. CR 08-00431 JF

1 the Speedy Trial Act, 18 U.S.C. § 3161, from February 23, 2009 through April 1, 2009, based
2 upon the need for the defense counsel to investigate further the facts of the present case. The
3 government has already provided discovery and defense counsel needs additional time to review
4 the discovery, evaluate further possible defenses and motions available to the defendant.

5 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
6 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
7 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
8 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be
9 from February 23, 2009 through April 1, 2009.

10 Given these circumstances, the parties believe, and request that the Court find, that the
11 ends of justice are served by excluding from calculations the period from February 23, 2009
12 through April 1, 2009, outweigh the best interests of the public and the defendant in a speedy
13 trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

14 IT IS SO STIPULATED.

15
16 JOSEPH P. RUSSONIELLO
United States Attorney

17 Dated: February 26, 2009

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney

20 Dated: February 26, 2009

/s/ Cynthia Lie
CYNTHIA LIE
Assistant Federal Public Defender
Attorney for defendant
Fritz Brunz

23 [PROPOSED] ORDER

24 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
25 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
26 U.S.C. § 3161, from February 23, 2009 through April 1, 2009 based upon the need for the
27 defense counsel to investigate further the facts of the present case, review the discovery that the

1 government has already provided and evaluate further possible defenses and motions available to
2 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
3 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
4 calculations the period from February 23, 2009 through April 1, 2009.

5 Accordingly, the Court further orders that the time from February 23, 2009 through April
6 1, 2009 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and
7 that the parties appear before United States District Court Judge Jeremy Fogel on April 1, 2009
8 at 9:00 a.m.

9 IT IS SO ORDERED.
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11 DATED: 3/2/09


12 THE HONORABLE PATRICIA V. TRUMBULL
13 United States Magistrate Judge